

REMARKS

On page 3 of the Action, claims 1-3, 5-8, 10, 11, 14-18 and 20 were rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kohtoku et al. in view of Thebault et al.

On page 9 of the Action, it was indicated that claims 12, 13 and 19 have not been rejected under either 35 U.S.C. 102 or 35 U.S.C. 103.

In view of the rejection and allowability in the Action, claim 1 has been amended to include the subject matter of claim 13 and to delete a part thereof. Claim 13 has been canceled.

In particular, on page 5 of the Action, it was held that "Kohtoku et al. differ from the instant invention in that it does not disclose the particle size of SiX precursor compound. ... it would be reasonable to expect that the SiX particle size could be less than 2 microns, since the α -sialon particle size disclosed in Kohtoku et al. could be less than 2 microns."

Since it was deemed that the particle size could be less than 2 microns, the particle size in claim 1 has been deleted and the particle size is recited as new claim 21. Also, the subject matter of claim 13 indicated allowable has been incorporated into claim 1. Therefore, claim 1 and its dependent claims are allowable over the cited references.

In regard to the rejection to claim 8, it was held on page 6, lines 2-3 of the Action, that "[A]pplicants disclose that the size of the SiX precursor particle determines the size of the α -sialon particles (p. 12 [0056-0057] of the Applicants' Specification). ... it would be reasonable to expect that the MX and AlX particle sizes could be smaller than the SiX particle size, since the SiX particles determines the α -sialon particle size, so therefore the MX and AlX particle sizes would not affect the α -sialon particle

size, so therefore they must be smaller than the SiX particle size."

However, the above rejection is not correct. In paragraphs 0056-0057 of the specification, it does not disclose that the particle size of SiX determines the particle size of α -sialon, as stated in the Action. In particular, in the paragraphs as pointed out by the Examiner, the desirable particle size of SiX is disclosed in order to obtain the particularly fine powder, and the desirable relation among the particle size of SiX and the particles sizes of MX and AlX is also disclosed in order to improve the reaction of these particles.

It is not disclosed that the particle size of α -sialon is determined by the size of SiX, and for that purpose, the MX particles and the AlX particles have averaged particle sizes smaller than that of SiX particles, respectively.

In addition, the disclosure in paragraphs 0056-0057 is the explanation of the invention, NOT the prior art. The explanation of the invention can not be used in rejecting the claim of the invention.

Further, as stated at page 5, lines 1-2 in the Action, Kohtoku et al. differ from the instant invention in that it does not disclose the particle size of the SiX precursor compound.

Although the particle size of the primary particle of an α -sialon powder in Kohtoku is 0.2 to 2 μm , Kohtoku does not disclose any sizes of the particle sizes used in preparing the α -sialon.

Thebault et al. discloses a ceramic material based on β' -sialon obtained by reducing an aluminosilicate precursor by means of a gas phase comprising a mixture of hydrogen and nitrogen doped with a gaseous carbon compound. The β' -sialon is different from α -sialon, and further, no particle sizes of the particles are disclosed in Thebault et al.

As explained above, the cited references do not disclose or suggest the features, i.e. the specific particles sizes, of claim 8.

Claims pending in the application are patentable over the cited references.

Reconsideration and allowance are earnestly solicited.

One month extension of time is hereby requested. A credit card authorization form in the amount of \$130.00 is attached herewith for the one month extension of time.

Respectfully Submitted,

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